

# Waverley Borough Council

**Report to: Licensing Sub Committee**

**Date: 10 June 2024 11AM**

Ward(s) affected: Cranleigh

**Report of Director of Place / Assistant Director of Regulatory Services**

**Author: Spencer Robinson, Senior Pollution Control Officer**

**Tel: 01483 523365**

**Email: [spencer.robinson@waverley.gov.uk](mailto:spencer.robinson@waverley.gov.uk)**

**Chair of Licensing Committee: Cllr. Jacquie Keen**

**Tel: 01483 523333**

**Email: [Jacquie.keen@waverley.gov.uk](mailto:Jacquie.keen@waverley.gov.uk)**

**Report Status: Open**

## **Application for Street Trading Consent – Lay-by South of Junction with Elmbridge Road, A281 Horsham Road, Cranleigh**

### **1. Executive Summary**

- 1.1. On the 5 April 2024 Bodrum Kebab applied for a renewed street trading consent to trade at the Lay-by South of Junction with Elmbridge Road, A281 Horsham Road, Cranleigh (please refer to the map in Appendix 5). Following consultation there was one objection to the application. The Licensing Committee is required to determine the application in line with the Council's Street Trading Policy 2021.

## **2. Recommendation to Committee**

- 2.1. The Licensing Committee reviews consultation feedback and determines the application of Bodrum Kebab for consent to trade at the Lay-by South of Junction with Elmbridge Road, A281 Horsham Road, Cranleigh.

## **3. Reason(s) for Recommendation:**

- 3.1. Under the Local Government Miscellaneous Provisions Act 1982, a street trading consent is required by any person wishing to sell goods on streets designated as a 'consent street'. On the 5 April 2024 Bodrum Kebab applied for street trading consent to trade at the Lay-by South of Junction with Elmbridge Road, A281 Horsham Road (please refer to the map in Appendix 5). This is an application for renewal of existing street trading consent. Following consultation there has been an objection to the application. The Licensing Committee is required to determine the application in line with the Council's Street Trading Policy 2021.

## **4. Exemption from publication**

- 4.1. No

## **5. Purpose of Report**

- 5.1. To determine an application for a licence to trade in designated consent streets.

## **6. Strategic Priorities**

- 6.1. Effective control of street trading will contribute to the strategic priorities of supporting a strong local economy and improving the health and wellbeing of our residents and communities.

## 7. Background

- 7.1. The Act governing street trading within the Waverley area is the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4. Further detail on the legislation is provided in Appendix 1. Streets can be designated prohibited streets or consent streets.

A 'Prohibited' street means a street in which street trading is prohibited.

A 'Consent' street means a street in which street trading is prohibited unless the Council has given consent. This means that anyone who wishes to trade on a consent street (which includes a road, footway or other area to which the public have access without payment) must hold a street trading consent.

- 7.2. The current [Street Trading Policy](#) came into force on 5 April 2021, along with the Council's resolution to make all streets in Waverley consent streets other than designated [prohibited streets](#). There are some circumstances in which street trading consent will not be required, as detailed in the Policy and on the Council's website, [Will I need street trading consent – Frequently asked Questions](#).
- 7.3. The aim of the Policy is to prevent obstruction of streets, ensure public safety, recognise the importance of the local economy and community events, and prevent nuisance or annoyance to people within the area.
- 7.4. The Policy requires local stakeholders and the public to be consulted on an application, with a normal 28 day consultation period.
- 7.5. Paragraph 2.3 and 2.5 of the Policy details that in considering any application for the grant or renewal of a street trading consent the following issues will be taken into account before determination:

### *Public order*

Whether the street trading activity or activities represent, or are likely to represent, a substantial risk to public order.

### *Public nuisance*

Whether the street trading activity or activities represent, or are likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour. Particular regard to this will be had in respect of consents in predominantly residential areas and due regard will be had to the character of the neighbourhood.

### *Public safety*

Whether the location of the street trading activity or activities represent, or are likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazards, unhygienic conditions, danger that may occur when a trader is accessing the site, and overcrowding of the site/area. Overcrowding includes the capacity of the street trading area having regard to the potential maximum attendance on the site by the public, and the consequent risk of over congestion impacting adjacent roads to the site.

### *Needs of the area*

The sufficiency of other trading outlets to serve the needs of an area will always be considered. A new consent is unlikely to be granted where it is considered that adequate like provision already exists. For special events falling under Schedule 2 of this policy (Community and similar events) the needs test may be exempted where appropriate.

- 7.6. Officers determine applications for street trading consent where there have been no relevant objections. If any relevant objections arise, applications are referred to the Licensing Committee for determination as detailed in paragraph 2.1 of the Policy. A relevant objection is one made by a person, business or body that is likely to be directly affected by a successful application. In addition, the objection must not be vexatious or frivolous and should concern itself only with matters likely to be affected by a successful application. Note the Council is under no duty to grant consent to trade on a street that has been designated as a Consent Street. There is no right

of appeal against the refusal of consent, or the application of conditions attached to a Consent, contained in the 1982 Act.

- 7.7. Street trading consents are normally issued for a set date or dates, or a period of one year, for specific locations and times when street trading can take place. All consents issued carry the Standard Consent Conditions detailed in the Street Trading Policy in order to promote public safety and avoid obstructions, nuisance and annoyance etc., and are shown in Appendix 2. Other conditions may be attached to a Consent and will be relevant to the category of Consent issued and the nature of the local environment. The pool of typical conditions that can be added is detailed in the Street Trading Policy and are shown in Appendix 3. A Consent may also attract conditions in addition to or instead of those found in the pool of conditions according to their individual merits.
- 7.8. On the 5 April 2024 Bodrum Kebab applied for street trading consent to trade from 16:00-00:00, Monday to Sunday, at the Lay-by South of Junction with Elmbridge Road, A281 Horsham Road, Cranleigh (please refer to the map in Appendix 5):

They wish to sell lamb doner meat, lamb shish, lamb kofte, chicken burgers, chicken kebabs, beef burgers, veggie burgers, chips and soft drinks.

- 7.9. When an application for a street trading consent is received, the following stakeholders are consulted: the police, the fire authority, the highways authority, local ward councillors, local Chambers of Commerce, local Town/Parish Council, Portfolio Holder for Operational and Enforcement Services, and the Licensing Committee Chairman and Vice Chairman. They were emailed on the 5 April 2024, along with The Head of Environmental and Regulatory Services, Environmental Health Manager (Environmental Protection) and Environmental Health Manager (Food and Safety) about the application.

Additionally, the public were also notified of the application by a notice posted at the location advising on the application, and via the Council's social media platforms.

## 8. Consultations

8.1. The deadline for consultation responses was the 3 May 2024, 28 days after the start of the consultation period.

8.2. Below is a summary of the responses received during the consultation period, with their final position on the application given:

- Surrey Fire & Rescue Service (SFRS) – NO OBJECTION – Standard response requiring risk assessment.
- Surrey County Council (SCC) Highways – OBJECTION
- Cranleigh Parish Council – SUPPORT
- Cllr Ruth Reed – queries
- Cllr Liz Townsend – queries

Please see Appendix 6 for a copy of the responses (redacted as appropriate).

8.3. The representation from Surrey Highways on 5 April 2024 was an **objection** on **public safety** grounds. SCC's concerns are summarised below:

- The lay-by lacks a drop-kerb, therefore, vehicles should not be accessing the pavement, or areas beyond the pavement. Google Street View imagery reportedly shows damage to the kerb and pavement.
- SCC highways have not consented to the 'reclaiming' of the vegetated areas east of the pavement where the van can be seen trading (as evidenced from Google Street View imagery dating back to 2009).
- The length of the lay-by is not considered sufficient to safely allow customer parking during busier periods. For the same reason, trading in the lay-by, as opposed to up above the kerb, would also meet objection.

SCC stated they did not recognise the location on proposal as the applicant's existing trading location. SCC understood Bodrum Kebab's existing street trading consent to be applicable to the lay-by further

south along the A281. SCC propose a new application for the southern lay-by as it is longer and would not require driving up and over the kerb. A map showing this alternative location can be found in Appendix 7.

The applicant has been made aware of SCC's objection. They do not wish to submit a new application for the southern lay-by as there is no street lighting, no pavement and it is sometimes occupied by lorries overnight. They claim to have traded from the location at the proposed lay-by for approximately 20 years and have received no complaints. WBC Environmental Health have no records of complaints in relation to Bodrum Kebab.

A WBC officer visited the current trading location to meet with the applicant and explain the situation on 24 April 2024. A series of photos from this visit, and photos provided by the applicant, can be viewed in Appendix 8.

SCC Highways were contacted on 26 April for further comment and reiterated their objection on the grounds above. Furthermore, SCC stated they would pursue recovery of costs incurred by damage of the pavement if the applicant were to continue to trade there.

- 8.4. Cllr Liz Townsend (by email) (Cranleigh West) and Cllr Ruth Reed (by telephone) (Cranleigh East) responded on 8 April 2024 requesting clarification on SCC Highways objections. The details were conveyed to Cllrs Townsend and Reed as understood by the officer dealing with the application.
- 8.5. Cranleigh Parish Council responded on 26 April 2024 to say they **"SUPPORT"** the application.
- 8.6. The Licensing Committee needs to consider feedback from the consultation and determine the application having regard to the matters that can be considered for the grant or renewal of a street trading consent as detailed in paragraph 7.5 above. There are three options for consideration:

Option 1 – Grant a street trading consent as applied for

Option 2 – Grant a street trading consent but with additional conditions/restrictions

Option 3 – Refuse the application for a street trading consent.

## **9. Key Risks**

- 9.1. The Street Trading consent area allows street traders with a consent, to trade, supplying goods and/or food on a regulated site approved by the Committee. This offers safeguards to the public who can recognise legitimate traders. It should help prevent the sale of illegal or unsafe goods or food. It also helps to prevent illegal obstruction of the highway. If street trading is not regulated it is likely to give rise to complaints about the adverse impact of street trading in some locations, potentially placing additional demands on the service.

## **10. Financial Implications**

- 10.1. If any consent is refused, under our policy, a full refund of the application fee for each refused location would need to be issued, this was £410 per location for applications received in 2023/24.

## **11. Legal Implications**

- 11.1. Details of the process and legal procedures are set out within the body of the report in line with arrangements under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 11.2. The Committee may grant an application (in part or full), apply any reasonable conditions, time restrictions, restrictions on the type of goods sold etc. The Council may also refuse the application.
- 11.3. The grounds for refusal are considered in Paragraph 7 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.



## **12. Human Resource Implications**

12.1. None

## **13. Equality and Diversity Implications**

13.1. There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the Council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

## **14. Climate Change/Sustainability Implications**

14.1. Where consents are granted, conditions can be added to a consent to prevent an impact on noise, odour and air pollution. Effective control of street trading activities will assist in mitigating their impact on the local environment and the community.

## **15. Summary of Options**

15.1. To grant a street trading consent as applied for

15.2. To grant a street trading consent but with additional conditions.

15.3. To refuse the application for a street trading consent.

## **16. Conclusion**

16.1. The Licensing Committee needs to consider feedback from the consultation and determine the application having regard to the matters that can be considered for the grant or renewal of a street trading consent as detailed in paragraph 7.5 above. A summary of options is provided in paragraph 15 above.

## **17. Background Papers**

17.1 Street Trading Policy 2021

## 18. Appendices

- 18.1. Appendix 1 – Street Trading Legislation
- 18.2. Appendix 2 – Standard Consent Conditions
- 18.3. Appendix 3 – Pool of Conditions
- 18.4. Appendix 4 – Application by Bodrum Kebab
- 18.5. Appendix 5 – Location map
- 18.6. Appendix 6 – Consultation Responses
- 18.7. Appendix 7 – Map of southern lay-by
- 18.8. Appendix 8 – Photos from Site Visit

Please ensure the following service areas have signed off your report.

Please complete this box, and do not delete.

Service	Sign off date
Finance / S.151 Officer	300524
Legal / Governance	280524
HR	N/A
Equalities	N/A
Chair of Licensing Committee	
CMB	N/A
Executive Briefing/Liaison	N/A
Committee Services	

## **Street Trading Legislation**

### **The Act governing street trading within the Waverley area is the Local Government (Miscellaneous Provisions) Act 1982 (LG(MP)A 1982)**

Street trading is defined as ‘Selling or exposing or offering for sale of any articles (including a living thing) in a street’ – para 1(1) of Schedule 4 of the Act. Street has an extended definition to include any road footway beach or other area to which the public have access without payment and a service area.

Certain activities are specifically excluded from the definition of street trading – by virtue of para 1(2) of Schedule 4, some of which are:

- Trading by a pedlar under a pedlar’s certificate
- Trading by some news vendors
- Trading on a street adjoining a shop and as part of the business of the shop
- Trading at a petrol filling station

Paragraph 2 of Schedule 4 LG (MP)A 1982 states that a district council may by resolution designate any street in their district as—

- (a) a prohibited street; which means a street in which street trading is prohibited.
- (b) a licence street; which means a street in which street trading is prohibited without a licence granted by the district council.
- (c) a consent street; means a street in which street trading is prohibited without the consent of the district council.

### Standard Consent Conditions

(to be used on all Consents issued)

1. 'Consent Street' means a street in which street trading is prohibited without a Consent from Waverley Borough Council
2. 'Prohibited Street' means a street in which street trading is prohibited at all times
3. 'Street' includes any road, footway, lay-by or other open area to which the public have access without payment
4. 'Street Trading' means (generally) the selling, or exposing or offering for sale, any article in a street
5. The trader shall not cause any obstruction of the street or any danger to any persons or vehicles using the street
6. The trader shall not cause any nuisance or annoyance to any other person, whether that person is using the street or otherwise, or to the occupier of any building in proximity to the consent site
7. Mobile food traders shall have a minimum FSA Food Hygiene Rating Score of level 3 or above.
8. The council may at any time vary the conditions of a street trading consent or revoke the consent at any time
9. Public liability insurance providing cover to a minimum amount of 5 million pounds must be in place for the consent site and a certificate of this must be produced on request of an officer of Waverley Borough Council. The person applying for street trading consent is responsible for providing this insurance, and applies to individual applicants (Schedule 1 event), or the organiser (Schedule 2 event).

10. An individual trader shall conspicuously display the council issued Consent at all times whilst trading; for special events, the Consent will be displayed in at least two conspicuous places – typically these shall be attached to the first and last stalls
11. The Consent holder must provide facilities for use by him/herself and customers to collect any waste, refuse or litter. The refuse storage must be of a substantial construction, waterproof and animal-proof. All must be removed from the trading location at the end of each day's trading and properly disposed of, or if the amount of waste and refuse warrants it, when the container is full – whichever is the sooner.
12. The Consent holder shall ensure that all adjacent areas (except the carriageway if open for vehicular use) to a distance of 10 metres be kept free of litter and refuse at all times whilst on site.
13. Authorised vehicles must be roadworthy, have current relevant documentation and internal and external appearance of vehicles &/or stalls shall be maintained in a clean, neat and tidy condition.
14. Any stall or vehicle used for street trading must be immediately removable at all times in the event of an emergency, or at any other time, be removed at the request of any officers of the emergency services or officer of the Council.
15. The name and address of the operator and other address at which the stall or authorised vehicle is normally kept or garaged must be conspicuously and legibly displayed upon it in a place where the public may readily view it.
16. No stall or vehicle shall remain situated for longer than one hour after the authorised trading time(s).
17. No Consent holder shall trade at his / her authorised location on dates when road closure directives are in place for special events

otherwise than with the permission of the organisation applying for same.

18. The Consent is non-transferable.
19. Where a structure or vehicle is not removed at the end of trading, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure or vehicle.
20. Failure to comply with any conditions attached to the Consent may result in the revocation of such consent.

#### INFORMATIVE

1. Informative- The Consent holder is encouraged to use sustainable packaging and adopt an environmental friendly approach throughout the operation of the business to minimise the impact on the environment.

**The issuing of a street trading consent does not confer a right to use any street, highway or land. Applicants should satisfy themselves that all other necessary permissions for the activity of street trading (e.g. Landowner's permission, planning permission, Highways Authority consent) are in place where applicable.**

### Pool of Conditions

#### Conditions applicable to special Events / Markets, etc.

- The Consent holder shall keep records of each stallholder present, to include the stall's site, name (and company name), address, vehicle registration and contact telephone number. This must be produced on the request of an officer from the Council

#### Other Conditions

- There shall be no available means of attracting attention for the purposes of trading or any stands or signs away from the consent site
- The consent holder must not permit the sale of offensive weapons including imitation firearms, firearms, airguns, swords and crossbows
- The consent holder must not sell a knife to anyone under 18.
- The Consent does not imply or give any other permission, consent, licence or authorisation to trade in any other products other than those granted on application or renewal
- The trader shall not exhibit on the site any advertising signs, posters or such like except as may be approved by the Council
- No animal shall be present on any stall or vehicle save assistance dogs in accordance with the Equality Act 2010
- The trader is not permitted to hold any auction or like sale
- The trader shall reimburse the Council's costs in repairing all damaged caused by the trader's occupation and use of the consent site

- There shall be no discharge of wastewater or other liquid waste onto the consent site or surrounding areas
- No form of amplified music shall be permitted



**Application by Bodrum Kebab**



If you find the text in this form difficult to read we can supply it in a format better suited to your needs

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

**APPLICATION FOR STREET TRADING CONSENT**


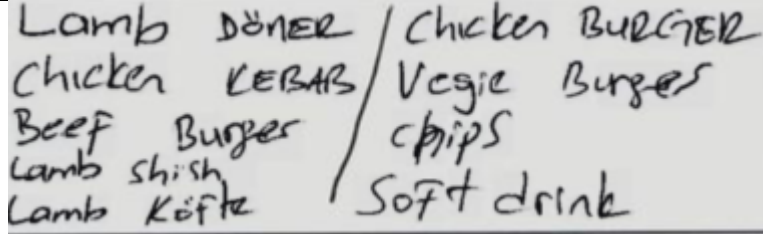
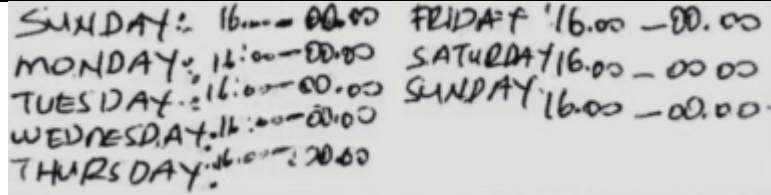
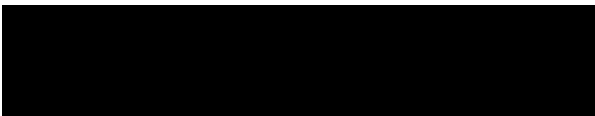
**To:** Head of Environmental Health and Community Safety, Waverley Borough Council,  
The Burys, Godalming, Surrey, GU7 1HR

**I hereby make application** under the provisions of section 3 and schedule 4 of the above Act for consent to sell or offer or expose for sale the articles stated below, in the open air within the area of Waverley Borough Council.

This application is for (please tick)	New Application		Renewal	X
If a renewal application please provide the number on the current consent				
The type of consent being applied for (please tick)	Sole Trader	X	Special/Community Events	
If special/community events please state the number of stalls/traders to be present				

I submit the following particulars for consideration:

1.	Applicant Full name	[REDACTED]	Date of Birth	[REDACTED]
2.	Trading as	BODRUM KEBAB		
3.	Home Address (inc. postcode) (for sole traders)	[REDACTED]		
4.	Address of organiser (if a community/special event)			
5.	Daytime telephone number	[REDACTED]		
6.	E-mail	[REDACTED]		
7.	Address where articles are stored (if applicable)			
8.	Proposed trading location/address*	LAY BY - A281 HORSHAM ROAD, CRANLEIGH SOUTH OF JUNCTION WITH ELMBRIDGE ROAD		

* For special/community event applications please provide the details of all of the traders separately as part of your application.		
9.	Type of vehicle(s) to be used. If a sole trader please also give accurate dimensions of each vehicle (in metres)	VAN 624 cm 238 cm 
10.	Registration no. or identification mark	KY16TMO
11.	Full details of articles to be sold. Also include size of any receptacles to be used, e.g. baskets, kiosk, tables, etc.	
12.	Proposed times of trading (please include frequency, times of day, days per week, months of the year)	
13.	Insurance Company and Policy No.	
14.	If a food business please provide the name of the local authority you are registered with	WAVERLEY BOROUGH COUNCIL

**I enclose:**

1. A passport style photograph of myself (sole traders only)
2. Photographs showing the sides, back and front of each vehicle (sole traders only). If you are an existing trader please provide a photo of the vehicle(s) in the trading location.
3. A plan/map image showing all locations that I have applied to trade in, which shows sufficient details to identify the location of the proposed site.
4. A copy of valid public liability insurance for trading/the event providing cover to a minimum amount of 5 million pounds. The person applying for street trading consent

is responsible for providing this insurance, individual applicants (sole traders), or the organiser (special/community events).

5. If a food trader(s) - a copy of correspondence showing that I am/they are registered with a local authority as a food business and/or have achieved a minimum FSA food hygiene rating score of level 3 or above.
6. An event management plan(s) (special/community events only) detailing how the event(s) will be run safely and without causing nuisance to the area. Please note:

The Government has published its [plan for living with COVID](#)

COVID is still present in the community. As the organiser of an event(s) you must take all reasonable steps to protect the safety of those working or attending the event. As such you are required to include COVID in your risk assessment under general Health & Safety requirements. HSE Guidance is available on how to [assess COVID related risks](#) and there is also a [risk assessment template](#).

You should continue to follow the guidance to keep yourself and others safe. [Working safely during coronavirus \(COVID-19\) - Guidance - GOV.UK \(www.gov.uk\)](#)

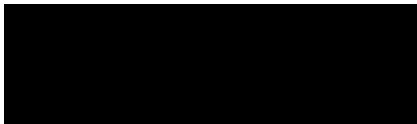
If you require any COVID advice, please do not hesitate to get in contact with Environmental Health on 01483 523393 or send an email to [Environmentalhealth@waverley.gov.uk](mailto:Environmentalhealth@waverley.gov.uk)

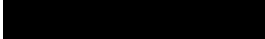
7. Confirmation that if trading from privately owned land that the land owner has given permission for me to trade/the event to go ahead there.

**I confirm that:**

- I will pay the required fee within 48hours of submitting this application. I am aware that failure to provide the required fee will result in my application not being processed.
- I am aware that the required fee is payable per trading site.
- I will display a notice at the proposed trading location(s) notifying local residents and businesses of my intention to trade there if a consent is granted. I will provide a photo of this being displayed at the location within 48hrs of submitting this application to [environmentalhealth@waverley.gov.uk](mailto:environmentalhealth@waverley.gov.uk). (not required for itinerant street traders such as ice cream vans who do not trade from any specific locations)
- I am aware that if valid objections are received to my application, the application will need to be considered and determined by Waverley Borough Council's Licensing Sub-Committee. This may delay a street trading consent being granted.

Signed

 .....

Print Name..  ..... Date.....04/04/2024.....

**Notes:**

Fees are reviewed annually. They are published on the Council's website, or please contact Environmental Health

Making a deliberately false statement in connection with any application is an offence punishable on summary conviction by fine of up to £400.

**Location Map**



**Consultation Responses**

## Response 1

**Initial Response Received – 5<sup>th</sup> April 2024**

**Final Response Received – 26<sup>th</sup> April 2024**

**Respondent: Surrey County Council Highways**

**Response Type: Objection**

**Received via: email**

Hello Spencer.

Just to make it clear, SCC object to the use of the northern layby for the reasons mentioned. If the applicant continues to trade here without SCC approval we may seek to recover costs to repair the damage to the verge, footway and kerbs. I will discuss this with the SCC legal team for their advice.

Kind regards

[REDACTED]

**Senior Engineer**

Highway Operations & Infrastructure

Surrey Highways & Transport

Tel : 0300 200 1003

**NO  
ONE  
LEFT  
BEHIND**



Our  
Residents



Being  
Excellent



Being  
Open



Working  
Together



Respecting  
Others

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**From:** Spencer Robinson <[Spencer.Robinson@waverley.gov.uk](mailto:Spencer.Robinson@waverley.gov.uk)>

**Sent:** Thursday, April 25, 2024 11:39 AM

**To:** [REDACTED] <[\[REDACTED\]@surreycc.gov.uk](mailto:[REDACTED]@surreycc.gov.uk)>; [REDACTED] <[\[REDACTED\]@surreycc.gov.uk](mailto:[REDACTED]@surreycc.gov.uk)>

**Subject:** RE: Street Trading Consent Renewal Application - Bodrum Kebab

Good morning [REDACTED]

I just wanted to update you after I met with the applicant at their trading site yesterday afternoon.

They are planning to continue with the application as it is, for trading at the northern lay-by. They do not think the southern lay-by is viable due to a lack of pavement, a lack of lighting, and the fact that often the lay-by is occupied by large articulated lorries taking rest stops overnight. I appreciate these concerns aren't necessarily relevant to SCC Highways, but I thought it best to relay to you their thoughts.

Unless anything else comes up in the meantime, I will be in touch again regarding how the application is going to progress after the consultation period ends next Friday 3<sup>rd</sup> May.

Kind regards,

**Spencer Robinson** BSc (Hons) MSc MEnvSc MCIEH



**Senior Pollution Control Officer**

*Environmental Protection*

*Waverley Borough Council, Council Offices, The Burys, Godalming, Surrey, GU7 1HR*

*Tel: 01483 523365*

*Email: [spencer.robinson@waverley.gov.uk](mailto:spencer.robinson@waverley.gov.uk)*

*[www.waverley.gov.uk](http://www.waverley.gov.uk)*

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**From:** Spencer Robinson

**Sent:** Monday, April 8, 2024 4:22 PM

**To:** [REDACTED]@surreycc.gov.uk; [REDACTED]@surreycc.gov.uk

**Cc:** Jeanette Guy <[Jeanette.Guy@waverley.gov.uk](mailto:Jeanette.Guy@waverley.gov.uk)>; Suzanne Robinson

<[Suzanne.Robinson@waverley.gov.uk](mailto:Suzanne.Robinson@waverley.gov.uk)>; Richard Homewood <[Richard.Homewood@waverley.gov.uk](mailto:Richard.Homewood@waverley.gov.uk)>

**Subject:** RE: Street Trading Consent Renewal Application - Bodrum Kebab

Hi [REDACTED],

Thank you. I note your comments and will discuss with the team.

Kind regards,

**Spencer Robinson** BSc (Hons) MSc MEnvSc MCIEH

**Senior Pollution Control Officer**

*Environmental Protection*

*Waverley Borough Council, Council Offices, The Burys, Godalming, Surrey, GU7 1HR*

*Tel: 01483 523365*

*Email: [spencer.robinson@waverley.gov.uk](mailto:spencer.robinson@waverley.gov.uk)*

*[www.waverley.gov.uk](http://www.waverley.gov.uk)*

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**From:** [REDACTED]@surreycc.gov.uk

**Sent:** Monday, April 8, 2024 3:25 PM

**To:** Spencer Robinson <[Spencer.Robinson@waverley.gov.uk](mailto:Spencer.Robinson@waverley.gov.uk)>; [REDACTED]@surreycc.gov.uk; [info@surrey-chambers.co.uk](mailto:info@surrey-chambers.co.uk); Catherine Knight <[Catherine.Knight@waverley.gov.uk](mailto:Catherine.Knight@waverley.gov.uk)>; Highways <[highways@surreycc.gov.uk](mailto:highways@surreycc.gov.uk)>; SFRS

Business Support/COM/SCC <[sfrsbusiness.support@surreycc.gov.uk](mailto:sfrsbusiness.support@surreycc.gov.uk)>; [parking@guildford.gov.uk](mailto:parking@guildford.gov.uk);

[waverley@surrey.police.uk](mailto:waverley@surrey.police.uk); Liz Townsend <[Liz.Townsend@waverley.gov.uk](mailto:Liz.Townsend@waverley.gov.uk)>; Alan Morrison

<[Alan.Morrison@waverley.gov.uk](mailto:Alan.Morrison@waverley.gov.uk)>; Clerk <[clerk@cranleigh-pc.gov.uk](mailto:clerk@cranleigh-pc.gov.uk)>; George Murray

<[George.Murray@waverley.gov.uk](mailto:George.Murray@waverley.gov.uk)>; Jacquie Keen <[Jacquie.Keen@waverley.gov.uk](mailto:Jacquie.Keen@waverley.gov.uk)>; Tony Fairclough

<[Tony.Fairclough@waverley.gov.uk](mailto:Tony.Fairclough@waverley.gov.uk)>; Andy Macleod <[Andy.Macleod@waverley.gov.uk](mailto:Andy.Macleod@waverley.gov.uk)>; Ruth Reed

<[Ruth.Reed@waverley.gov.uk](mailto:Ruth.Reed@waverley.gov.uk)>; Ken Reed <[Ken.Reed@waverley.gov.uk](mailto:Ken.Reed@waverley.gov.uk)>

**Cc:** Jeanette Guy <[Jeanette.Guy@waverley.gov.uk](mailto:Jeanette.Guy@waverley.gov.uk)>; Suzanne Robinson

<[Suzanne.Robinson@waverley.gov.uk](mailto:Suzanne.Robinson@waverley.gov.uk)>; Richard Homewood <[Richard.Homewood@waverley.gov.uk](mailto:Richard.Homewood@waverley.gov.uk)>

**Subject:** RE: Street Trading Consent Renewal Application - Bodrum Kebab

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Hello Spencer,

The layby does not appear to be large enough to house the unit and customers and on this basis I would object due to the likelihood of overspill on to the carriageway and the proximity of the signalised junction which is very busy and it is an A road. I maintain that the large layby to the south

is the only appropriate site that should be used. Also, looking at street view images the footway has been significantly damaged by the overrun of the vehicle so this site is not acceptable.



Regards

██████████  
**Senior Engineer**

Highway Operations & Infrastructure

Surrey Highways & Transport

Tel : 0300 200 1003



Our Residents



Being Excellent



Being Open



Working Together



Respecting Others

---

**From:** Spencer Robinson <[Spencer.Robinson@waverley.gov.uk](mailto:Spencer.Robinson@waverley.gov.uk)>

**Sent:** Monday, April 8, 2024 3:16 PM

**To:** ██████████@surreycc.gov.uk; ██████████@surreycc.gov.uk; [info@surrey-chambers.co.uk](mailto:info@surrey-chambers.co.uk); Catherine Knight <[catherine.knight@waverley.gov.uk](mailto:catherine.knight@waverley.gov.uk)>; Highways <[highways@surreycc.gov.uk](mailto:highways@surreycc.gov.uk)>; SFRS Business Support/COM/SCC <[sfrsbusiness.support@surreycc.gov.uk](mailto:sfrsbusiness.support@surreycc.gov.uk)>; [parking@guildford.gov.uk](mailto:parking@guildford.gov.uk); [waverley@surrey.police.uk](mailto:waverley@surrey.police.uk); Liz Townsend <[Liz.Townsend@waverley.gov.uk](mailto:Liz.Townsend@waverley.gov.uk)>; Alan Morrison <[Alan.Morrison@waverley.gov.uk](mailto:Alan.Morrison@waverley.gov.uk)>; Clerk <[clerk@cranleigh-pc.gov.uk](mailto:clerk@cranleigh-pc.gov.uk)>; George Murray <[George.Murray@waverley.gov.uk](mailto:George.Murray@waverley.gov.uk)>; Jacquie Keen <[Jacquie.Keen@waverley.gov.uk](mailto:Jacquie.Keen@waverley.gov.uk)>; Tony Fairclough <[Tony.Fairclough@waverley.gov.uk](mailto:Tony.Fairclough@waverley.gov.uk)>; Andy Macleod <[Andy.Macleod@waverley.gov.uk](mailto:Andy.Macleod@waverley.gov.uk)>; Ruth Reed <[ruth.reed@waverley.gov.uk](mailto:ruth.reed@waverley.gov.uk)>; Ken Reed <[Ken.Reed@waverley.gov.uk](mailto:Ken.Reed@waverley.gov.uk)>

**Cc:** Jeanette Guy <[jeanette.guy@waverley.gov.uk](mailto:jeanette.guy@waverley.gov.uk)>; Suzanne Robinson <[Suzanne.Robinson@waverley.gov.uk](mailto:Suzanne.Robinson@waverley.gov.uk)>; richard.homewood <[richard.homewood@waverley.gov.uk](mailto:richard.homewood@waverley.gov.uk)>

**Subject:** RE: Street Trading Consent Renewal Application - Bodrum Kebab

Good afternoon ██████████

Thank you for your comments, and thank you for talking with me over the phone today [REDACTED]. I have had an initial discussion with the applicant and suggested the longer lay-by to the south, however they correctly pointed out that there is no lighting at that lay-by, which raises safety concerns, as well as being off-putting to customers.

Presumably if they were to trade actually in the lay-by and did not mount the kerb, this would be acceptable? The lay-by is approximately 50m long, for reference.

Kind regards,

**Spencer Robinson** BSc (Hons) MSc MEnvSc MCIEH  
**Senior Pollution Control Officer**

*Environmental Protection*

*Waverley Borough Council, Council Offices, The Burys, Godalming, Surrey, GU7 1HR*

*Tel: 01483 523365*

*Email: [spencer.robinson@waverley.gov.uk](mailto:spencer.robinson@waverley.gov.uk)*

*[www.waverley.gov.uk](http://www.waverley.gov.uk)*

---

**From:** [REDACTED]@surreycc.gov.uk>

**Sent:** Monday, April 8, 2024 11:49 AM

**To:** [REDACTED]@surreycc.gov.uk>; Spencer Robinson <[Spencer.Robinson@waverley.gov.uk](mailto:Spencer.Robinson@waverley.gov.uk)>; [info@surrey-chambers.co.uk](mailto:info@surrey-chambers.co.uk); Catherine Knight <[Catherine.Knight@waverley.gov.uk](mailto:Catherine.Knight@waverley.gov.uk)>; Highways <[highways@surreycc.gov.uk](mailto:highways@surreycc.gov.uk)>; SFRS Business Support/COM/SCC <[sfrsbusiness.support@surreycc.gov.uk](mailto:sfrsbusiness.support@surreycc.gov.uk)>; [parking@guildford.gov.uk](mailto:parking@guildford.gov.uk); [waverley@surrey.police.uk](mailto:waverley@surrey.police.uk); Liz Townsend <[Liz.Townsend@waverley.gov.uk](mailto:Liz.Townsend@waverley.gov.uk)>; Alan Morrison <[Alan.Morrison@waverley.gov.uk](mailto:Alan.Morrison@waverley.gov.uk)>; Clerk <[clerk@cranleigh-pc.gov.uk](mailto:clerk@cranleigh-pc.gov.uk)>; George Murray <[George.Murray@waverley.gov.uk](mailto:George.Murray@waverley.gov.uk)>; Jacquie Keen <[Jacquie.Keen@waverley.gov.uk](mailto:Jacquie.Keen@waverley.gov.uk)>; Tony Fairclough <[Tony.Fairclough@waverley.gov.uk](mailto:Tony.Fairclough@waverley.gov.uk)>; Andy Macleod <[Andy.Macleod@waverley.gov.uk](mailto:Andy.Macleod@waverley.gov.uk)>; Ruth Reed <[Ruth.Reed@waverley.gov.uk](mailto:Ruth.Reed@waverley.gov.uk)>; Ken Reed <[Ken.Reed@waverley.gov.uk](mailto:Ken.Reed@waverley.gov.uk)>

**Cc:** Jeanette Guy <[Jeanette.Guy@waverley.gov.uk](mailto:Jeanette.Guy@waverley.gov.uk)>; Suzanne Robinson <[Suzanne.Robinson@waverley.gov.uk](mailto:Suzanne.Robinson@waverley.gov.uk)>; Richard Homewood <[Richard.Homewood@waverley.gov.uk](mailto:Richard.Homewood@waverley.gov.uk)>

**Subject:** RE: Street Trading Consent Renewal Application - Bodrum Kebab

---

Spencer,

[REDACTED] is correct, there does not appear to be a dropped kerb and we should not be allowing vehicles to park on the grass/verge area. There is a far more suitable layby about 100m away that should be used for trading that won't require the unit to park on the grass and allows for more customer parking.

Regards

[REDACTED]  
**Senior Engineer**

Highway Operations & Infrastructure

Surrey Highways & Transport

Tel : 0300 200 1003

**NO  
ONE  
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Our  
Residents



Being  
Excellent



Being  
Open



Working  
Together



Respecting  
Others

---

**From:** [REDACTED]@surreycc.gov.uk>

**Sent:** Friday, April 5, 2024 5:16 PM

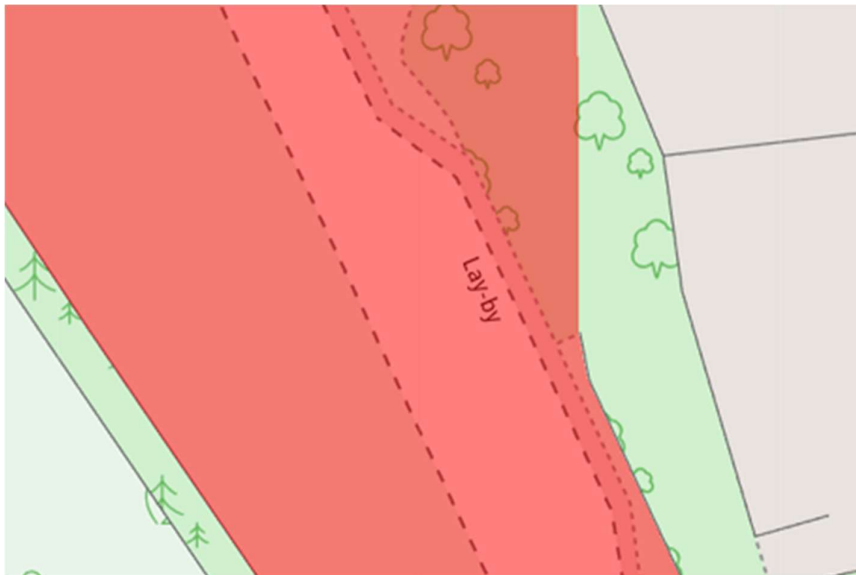
**To:** Spencer Robinson <Spencer.Robinson@waverley.gov.uk>; info@surrey-chambers.co.uk; Catherine Knight <catherine.knight@waverley.gov.uk>; Highways <highways@surreycc.gov.uk>; SFRS Business Support/COM/SCC <sfrsbusiness.support@surreycc.gov.uk>; parking@guildford.gov.uk; waverley@surrey.police.uk; Liz Townsend <Liz.Townsend@waverley.gov.uk>; Alan Morrison <Alan.Morrison@waverley.gov.uk>; Clerk <clerk@cranleigh-pc.gov.uk>; [REDACTED]@surreycc.gov.uk>; George Murray <George.Murray@waverley.gov.uk>; Jacquie Keen <Jacquie.Keen@waverley.gov.uk>; Tony Fairclough <Tony.Fairclough@waverley.gov.uk>; Andy Macleod <Andy.Macleod@waverley.gov.uk>; Ruth Reed <ruth.reed@waverley.gov.uk>; Ken Reed <Ken.Reed@waverley.gov.uk>

**Cc:** Jeanette Guy <jeanette.guy@waverley.gov.uk>; Suzanne Robinson <Suzanne.Robinson@waverley.gov.uk>; richard.homewood <richard.homewood@waverley.gov.uk>

**Subject:** Re: Street Trading Consent Renewal Application - Bodrum Kebab

Hi Spencer

I see this is actually captured by recent google streetview images [A281 - Google Maps](#). The layby and that once grassed area are showing as public highway (plan below), but there is no dropped kerb to allow a vehicle to get from the layby onto that area, so strictly speaking it's not lawful to drive onto it. Also looking at older streetview images, that once grassed area did used to be as such, but seems to have been gradually 'captured' for trading purposes over the years, effectively by destroying the grass [A281 - Google Maps](#). Strictly speaking it shouldn't be allowed to be there, but will leave it to [REDACTED] to comment further from a highway point of view.



[REDACTED]  
Parking Project and Enforcement Team Engineer  
Highway Operations & Infrastructure  
Surrey Highways & Transport  
Tel: 0300 200 1003

## Response 2

**Response Received – 8<sup>th</sup> April 2024**

**Respondent: Surrey Fire and Rescue Service**

**Response Type: No Objection**

**Received via: email**

Dear Sir/Madam

In response to the above consultation your ref: Bodrum Kebab Mobile Food Operator.

I can confirm that I have received a copy of documents for the Street Trading Licence application.

I would notify you that the Fire Authority has no objection to the application. However, the Regulatory Reform (Fire Safety) Order 2005 requires the responsible person to make a suitable and sufficient assessment of the risks from fire to which relevant persons are exposed, and to remedy any findings of the assessment. The risk assessment should be conducted by a suitably competent person.

Fire risk assessments are an organised view of the activities of your undertaking regarding anything which could cause harm to persons. It allows you to consider whether you have taken adequate precautions or should do more to avoid harm.

The applicant should be advised that current fire safety legislation requires an employer or other responsible person to carry out a regular review of their fire risk assessment and as a result of changes to the workplace, revise the fire safety arrangements to reduce any increased risk.

Should you require any further advice or assistance please do not hesitate to contact the Protection Team at the above address or visit our website.

Kind regards

Fire Safety Admin  
Surrey Fire & Rescue Service  
Tel: 01737 242444



### **Response 3**

**Response Received – 8<sup>th</sup> April 2024**

**Respondent: Cllr Liz Townsend**

**Response Type: QUERY**

**Received via: email**

Hi Spencer,

Will you discuss a possible relocation with the owner to the next lay-by (if suitable) before a refusal of this permission? He has been trading from this location with, as far as I am aware, permission for a number of years.

Regards

Liz

## Response 5

Response Received – 26<sup>th</sup> April 2024

Respondent: Cranleigh Parish Council

Response Type: Support

Received via: email



Good Morning

The Parish Council SUPPORTS this application.

Kind Regards

[Redacted Signature]

Parish Clerk

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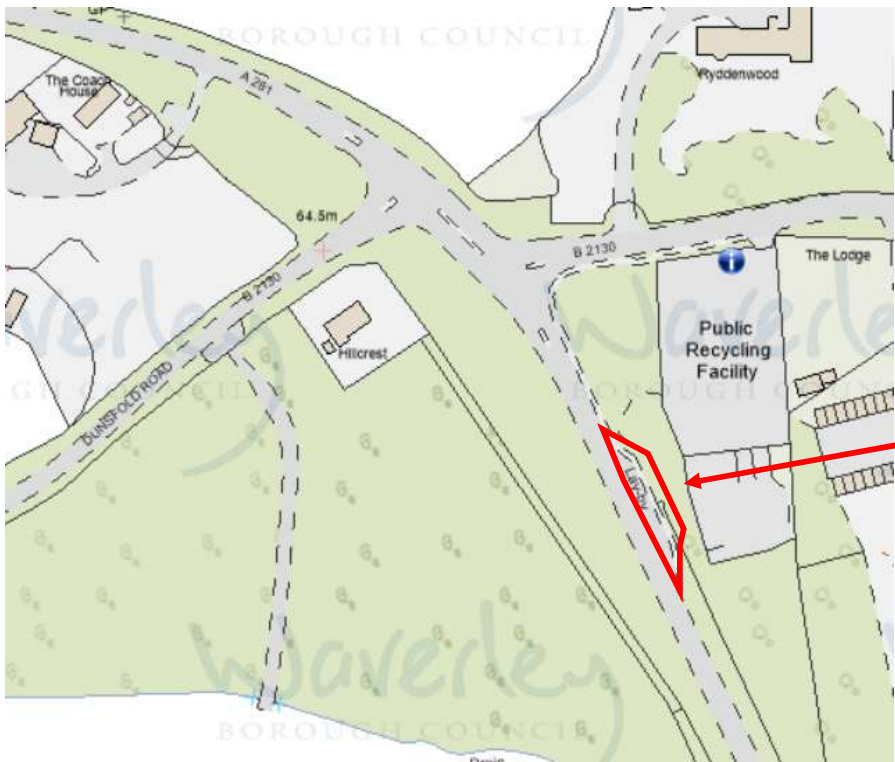
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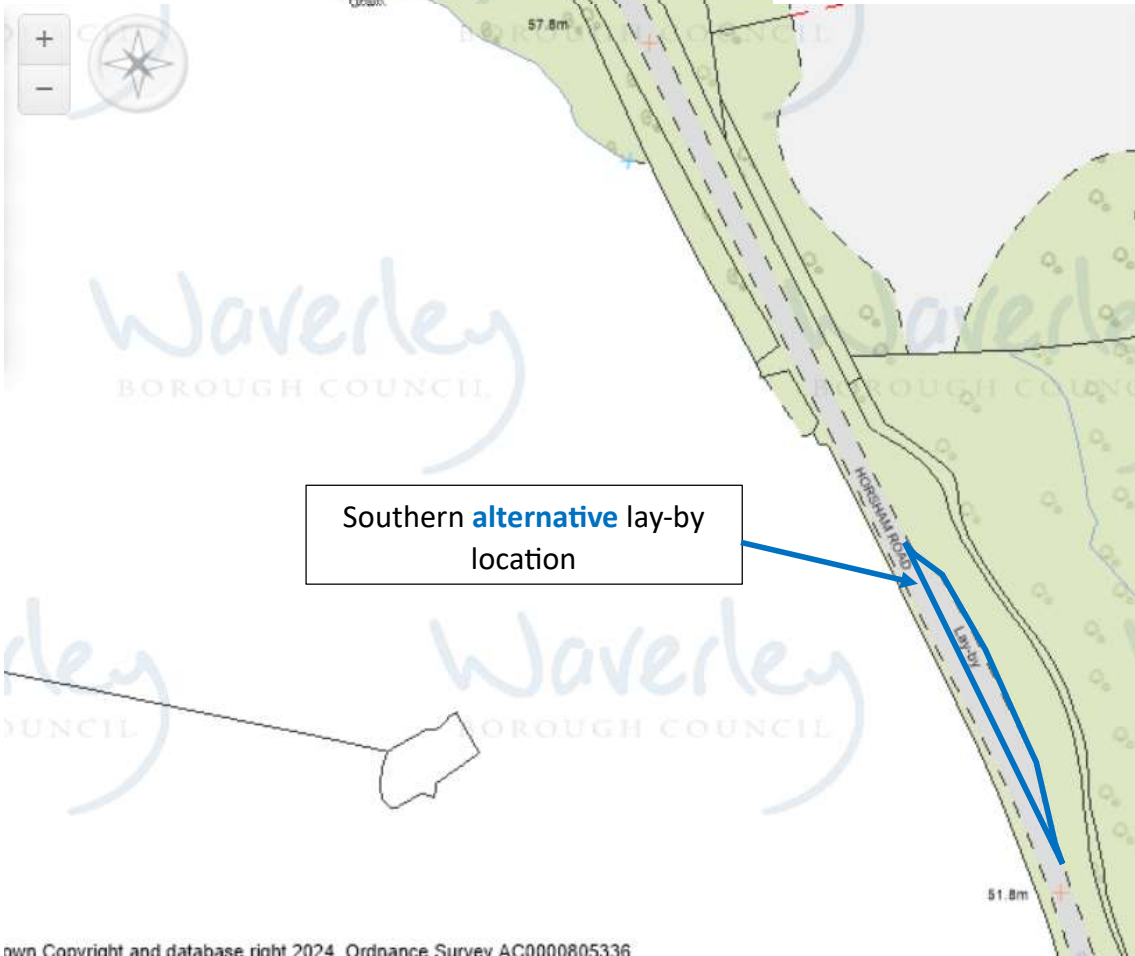
## Appendix 7

### Map of Southern Lay-by





Application lay-by – Bodrum Kebab currently trade here



Southern **alternative** lay-by location

## Appendix 8

### Photos of Lay-bys



**Photo 1 – 17/04/2024 (provided by applicant)**  
View of northern lay-by, looking North



**Photo 2 – 24/04/2024 (officer visit)**  
View of southern lay-by, looking North



**Photo 3 – 24/04/2024 (officer visit)**

View of southern lay-by grass verge – no pavement - looking east



**Photo 4 – 24/04/2024 (officer visit)**

View of southern lay-by, looking South